

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 3, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance was Superintendent Poindexter.

Connie Vickery, Marc Carmichael, and Brad Klopfenstein were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the January 20, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the February 3, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred eighty-five (385) renewals approved, fifty-four (54) new and/or transfer permits approved, seven (7) permits approved for catering, two (2) permits approved for first year escrow, nine (9) permits approved for second year escrow, and one (1) permit approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL30-22640 BEN'S DEPOT, LLC – Chairman Huskey noted this was scheduled for revocation today.

Commissioner Guthrie moved to continue this matter until the next meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-24032 MAC'S CONVENIENCE STORES, LLC – Chairman Huskey noted this is a new type 116 with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL37-23440 TYSEN'S COUNTRY GROCERY, INC. – Chairman Huskey noted this is a new type 116 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated this was a recommended denial due to the fact that no one was present at the local board meeting to represent the applicant. The representative was unable to be in attendance due to an automobile accident that occurred on the way to the meeting.

Commissioner Guthrie moved to remand the application to the local board for reinvestigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL37-23439 TYSEN'S COUNTRY GROCERY, INC. - Chairman Huskey noted this is a new type 116 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated this was a recommended denial due to the fact that no one was present at the local board meeting to represent the applicant. The representative was unable to be in attendance due to an automobile accident that occurred on the way to the meeting.

Commissioner Guthrie moved to remand the application to the local board for reinvestigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR52-01105 COOLEY'S BAR & GRILL, INC. – Chairman Huskey noted this is a type 210 transfer of ownership with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie stated new information has surfaced regarding this applicant. The local board requests this be remanded for further investigation.

Commissioner Guthrie moved to remand this application to the local board for further investigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make six (6) permits inactive. All permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

Commissioner Guthrie moved to make twenty-two (22) permits inactive, due to the fact that the permittees did not appear for their revocation hearing, or provide the Commission the necessary information that was needed to make the permit current. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER